



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/577,224	05/23/2000	Lundy Lewis	C0441/7160 (TAH)	4214
34705	7590	11/21/2003	EXAMINER	
APRISMA MANAGEMENT TECHNOLOGIES, INC.			ENGLAND, DAVID E	
273 CORPORATE DRIVE			ART UNIT	
PORTSMOUTH, NH 03801			PAPER NUMBER	
			2143	
DATE MAILED: 11/21/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/577,224

Applicant(s)

LEWIS, LUNDY

Examiner

David E. England

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6,7,8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1 – 6 and 22 are presented for examination.

#### ***Claim Objections***

1. Claim 2 is objected to because of the following informalities: The sentence of claim 2 ends in a “.”. Appropriate correction is required.

#### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the common management agent must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 2 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The limitation of “reasoning agents” does not have any indication as to what specifically it is.

Art Unit: 2143

5. Claims 1 and 2 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The limitation of "common management" is not specifically disclosed in the specification as to what it is.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. The term "common", in claims 1 and 2, is a relative term which renders the claim indefinite. The term "common" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The specification needs to state the boundaries of what is considered "common". If the Applicant intended to use the term "common" as a whole in a limitation such as stated "common management agent" instead of a degree to limit the difference between a common object and a specific object, then the Applicant would have to state this in a response and the rejection will be lifted.

***Claim Rejections - 35 USC § 102***

Art Unit: 2143

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1, 2 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Roytman et al. U.S. Patent No. 6356282 (hereinafter Roytman).

11. Referencing claim 1, Roytman teaches a method for managing information comprising:

12. providing a plurality of monitoring agents for monitoring components of a network, each monitoring agent receiving events of a select type from the network components and resolving such events into alarms, (e.g. col. 5, lines 13 – 55, “*Manager 108 can download information from the agents*” & col. 6, line 40 – col. 7, line 35, “*network alarms, alarm services module*”);

13. transmitting the alarms from all monitoring agents to a common management agent, which resolves the alarms to produce correlated alarms, (e.g. col. 5, lines 13 – 55 & col. 6, line 40 – col. 7, line 35); and

14. transmitting the correlated alarms to a common service level management agent to reason across the network as to causes of the events, (e.g. col. 5, lines 13 – 55 & col. 6, line 40 – col. 7, line 35, “*network alarms, alarm services module*”).

15. Referencing claim 2, Roytman teaches the monitoring, common management, and service level management agents comprise reasoning agents, (e.g. col. 6, line 40 – col. 7, line 35, “*network alarms, alarm services module*” & col. 7, lines 46 – 65).

Art Unit: 2143

16. Claim 22 is rejected for similar reasons as stated above.

***Claim Rejections - 35 USC § 103***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 3 – 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roytman (6356282) in view of Koperda et al. (6230203) (hereinafter Koperda).

19. As per claim 3, Roytman teaches reporting, to a user, information regarding at least one of a group including availability, faults, configuration, integrity, security, reliability, performance and accounting of the measured level of service, (e.g. col. 2, line 18 – col. 3, line 44, “*node status is propagated to application like the Solstice EM Viewer*” & col. 7, line 35 – col. 8, line 34, “*window display 600*”); and

20. the component information representing operational data of one or more monitored components, (e.g. col. 2, line 18 – col. 3, line 44, “*node status is propagated to application like the Solstice EM Viewer*” & col. 7, line 35 – col. 8, line 34, “*window display 600*”), but does not specifically teach relating component information to a service upon which a business process depends,

21. determining a state of the business process based upon the component information, wherein the component information determines a measured level of service and wherein the level of service affects the operation of the business process. Koperda teaches relating component information to a service upon which a business process depends, (e.g. col. 1, line 65 – col. 2, line 41, “*quality of play, parameters we considered*

Art Unit: 2143

*include access time, delivery duration, bandwidth...*” & col. 4, lines 2 – 64, *“collects and reports statistics for level of service”*),

22. determining a state of the business process based upon the component information, wherein the component information determines a measured level of service and wherein the level of service affects the operation of the business process, (e.g. col. 1, line 65 – col. 2, line 41, *“quality of play, parameters we considered include access time, delivery duration, bandwidth...”* & col. 4, lines 2 – 64, *“collects and reports statistics for level of service”*). It would have been obvious to one skilled in the art at the time the invention was made to combine Koperda with Roytman because utilizing a display to view the state of the business process could aid in a more efficient transmission system for when a transmission path is “jammed” and data needs to be redirected to a different path so the data can be delivered to its destination.

23. As per claim 4, Roytman does not specifically teach determining service parameters to measure the level of service. Koperda teaches determining service parameters to measure the level of service, (e.g. col. 1, line 65 – col. 2, line 41 & col. 4, lines 2 – 64, *“collects and reports statistics for level of service”*). It would have been obvious to one skilled in the art at the time the invention was made to combine Koperda with Roytman because of similar reasons as stated above. Furthermore, measuring the level of service aids in the determination of which alternate path data should use in the case of a congested network.

24. As per claim 5, Roytman teaches representing the component information by one or more component parameters and wherein the component parameters are mapped into the service parameters, (e.g. col. 6, line 40 – col. 7, line 35, *“network alarms, alarm services module”* & col. 7, lines 46 – 65, *“critical, major, warning, minor...”*).

Art Unit: 2143

25. As per claim 6, Roytman teaches determining parameters with predetermined service levels, (e.g. col. 6, line 40 – col. 7, line 35, “*network alarms, alarm services module*” & col. 7, lines 46 – 65, “*critical, major, warning, minor...*”), but does not specifically teach whether service levels are satisfied by comparing service whether service levels are satisfied by comparing service. Koperda teaches whether service levels are satisfied by comparing service parameters, (e.g. col. 1, line 65 – col. 2, line 41 & col. 4, lines 2 – 64, “*collects and reports statistics for level of service*”). It would have been obvious to one skilled in the art at the time the invention was made to combine Koperda with Roytman because of similar reasons stated above.

### ***Conclusion***

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

27. a. Robinson et al. U.S. Patent No. 6570867 discloses Routes and paths management.

28. b. Fletcher et al. U.S. Patent No. 6269401 discloses Integrated computer system and network performance monitoring.

29. c. Goldszmidt et al. U.S. Patent No. 6308216 discloses Service request routing using quality-of-service data and network resource information.

30. d. Chandra et al. U.S. Patent No. 6397359 discloses Methods, systems and computer program products for scheduled network performance testing.

31. e. Maccabee et al. U.S. Patent No. 6108700 discloses Application end-to-end response time measurement and decomposition.

32. f. Combar et al. U.S. Patent No. 6470386 discloses Integrated proxy interface for web based telecommunications management tools.



Art Unit: 2143

33. g. Delano et al. U.S. Patent No. 6574661 discloses Integrated proxy interface for web based telecommunication toll-free network management using a network manager for downloading a call routing tree to client.
34. h. Lewis et al. U.S. Patent No. 6026442 discloses Method and apparatus for surveillance in communications networks.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 703-305-5333. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is none.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is none.

David E. England  
Examiner  
Art Unit 2143

De 

  
**DAVID WILEY**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**